



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 17th day of October, 2003

Applications of

**CORPORATE AIRLINES, INC.
OZARK AIRLINES, INC.
d/b/a GREAT PLAINS AIRLINES
AMERICAN TRANS AIR, INC.
MIDWEST EXPRESS AIRLINES, INC.
AIRTRAN AIRWAYS, INC.
US AIRWAYS, INC.**

For exemptions from 14 C.F.R. Part 93,
Subparts K and S, pursuant to 49 U.S.C.
§ 41718(b), Special rules for Ronald Reagan
Washington National Airport (within-perimeter slot
exemptions)

Served: October 17, 2003

Docket OST-2000-7182 - 604

ORDER

SUMMARY

By this order, the Department permits US Airways, Inc., to operate services authorized by Department Order 2003-7-5, at Ronald Reagan Washington National Airport (hereafter "DCA") until February 1, 2004, or such time as the Department reallocates the slot exemption authority originally granted to Corporate Airlines by Department Order 2003-1-16 pursuant to the provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21).

BACKGROUND

By Order 2003-7-5, issued July 2, 2003, the Department granted the request of US Airways, Inc., to permit it to operate services authorized by Department Order 2003-1-16 for Corporate Airlines, Inc.,¹ at DCA through October 25, 2003, or until Corporate inaugurates service, whichever comes first. The Department also granted US Airways

¹ The Department awarded Corporate Airlines two DCA slot exemptions to provide nonstop service to any of the communities to which it had proposed service, comprised of Wilmington, Fayetteville, or Jacksonville, North Carolina.

temporary authority to permit it to operate services authorized by Department Order 2003-1-16 for AirTran Airways, Inc., at DCA through October 25, 2003, *or* until AirTran inaugurates the DCA operations contemplated by Order 2003-1-16, whichever comes first.² The Department required that if either Corporate or AirTran sought to inaugurate its DCA authorized operations prior to October 26, 2003, it must give at least 30 days' advance notice of the date it on which it intended to implement such operations.

Since the issuance of Order 2003-7-5, US Airways has used its temporary DCA authority for new and additional services in the DCA-Wilmington, DCA-Ft. Myers, and DCA-Ft. Lauderdale markets.³

By letter dated October 15, Corporate notified the Department that it would be unable to inaugurate the services it had been authorized by Department Order 2003-1-16.

As a result, we have decided, *sua sponte*, to grant US Airways *pendente lite* authority to continue to operate the services authorized by Department Order 2003-1-16 for Corporate Airlines, Inc. at DCA until February 1, 2004, or such time as the Department has granted US Airways or another carrier authority to operate the same or similar services as those authorized by Department Order 2003-1-16, whichever is earlier.

On the basis of the Corporate letter referenced above, concurrent with this order we are issuing a notice inviting proposals from qualified carriers for services to eligible communities for the two slot exemptions awarded to Corporate by Department Order 2003-1-16 and currently operated by US Airways on temporary basis for services between DCA and Wilmington.⁴

We also note that Congress is now considering authorizing additional DCA slot exemptions for distribution to qualified air carriers for services to eligible communities under the pending Federal Aviation Administration reauthorization act. Should this legislation be enacted into law in the near future, the Department would move expeditiously to distribute any newly available slot exemption authority in accordance with statutory criteria and may consolidate into a single proceeding the available permanent slot exemption authority currently operated in the DCA-Wilmington market on a temporary basis.

This order is issued under authority delegated in 49 C.F.R. § 1.56(a).

² The Department awarded four DCA slot exemptions to AirTran for new services to one or more of the following Florida communities: Fort Lauderdale, Fort Myers, or West Palm Beach.

³ On August 20, 2003, AirTran filed notice of its intent to inaugurate DCA-Ft. Lauderdale and DCA-Ft. Myers service on October 23, 2003.

⁴ In anticipation of the Department's instituting a proceeding, US Airways and Comair have already filed applications for the two DCA slot exemptions originally awarded to Corporate under by Department Order 2003-1-16.

ACCORDINGLY,

1. The Department extends the grant of authority as described in ordering paragraph 1 of Order 2003-7-5 until February 1, 2004, or whenever the Department makes a final selection decision, whichever is earlier;
2. This docket will remain open until further order of the Department; and
3. We will serve this order on all interested parties and the Federal Aviation Administration Slot Administration Office.

By:

MICHAEL W. REYNOLDS
Acting Assistant Secretary for Aviation
and International Affairs

(SEAL)

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